



Senate

General Assembly

January Session, 2005

File No. 557

Senate Bill No. 1327

Senate, April 28, 2005

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING CHANGES TO CHILD SUPPORT STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (j) of section 17b-179 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (j) (1) The Commissioner of Social Services is authorized to accept
5 for deposit in the General Fund all allotments of federal funds, and to
6 conform to federal requirements necessary for the receipt of federal
7 matching grants and not prohibited by the general statutes, including,
8 but not limited to, the distribution of collected support and the
9 operation of an automated centralized collection and disbursement
10 unit, which shall be known as the "State Disbursement Unit".

11 (2) The Commissioner of Social Services is authorized to implement
12 electronic funds transfer for all support payments processed through
13 the State Disbursement Unit. The commissioner is authorized to

14 establish a debit account at a financial institution for any recipient of
15 support payments, whose support payments are processed through
16 the State Disbursement Unit, who does not establish and designate an
17 account for the receipt of such payments by electronic funds transfer.
18 Deposits to such account shall be limited to such support payments
19 and accessible solely by means of a debit card. Such debit card may be
20 used to make purchases at participating retail outlets and obtain cash
21 at automated teller machines. Any fees incurred for the use of such
22 debit card shall be the sole responsibility of the recipient of support
23 payments for whom such account was established.

24 Sec. 2. Subdivision (2) of subsection (a) of section 17b-745 of the
25 general statutes is repealed and the following is substituted in lieu
26 thereof (*Effective from passage*):

27 (2) (A) The court or family support magistrate shall include in each
28 support order in a IV-D support case a provision for the health care
29 coverage of the child which provision may include an order for either
30 parent to name any child as a beneficiary of any medical or dental
31 insurance or benefit plan carried by such parent or available to such
32 parent on a group basis through an employer or a union. Any such
33 employment-based order shall be enforced using a National Medical
34 Support Notice as provided in section 46b-88. If such insurance
35 coverage is unavailable at reasonable cost, the provision for health care
36 coverage may include an order for either parent to apply for and
37 maintain coverage on behalf of the child under the HUSKY Plan, Part
38 B. The noncustodial parent shall be ordered to apply for the HUSKY
39 Plan, Part B only if such parent is found to have sufficient ability to
40 pay the appropriate premium. In any IV-D support case in which the
41 noncustodial parent is found to have insufficient ability to provide
42 medical insurance coverage and the custodial party is the HUSKY
43 Plan, Part A or Part B applicant, the provision for health care coverage
44 may include an order for the noncustodial parent to pay such amount
45 as is specified by the court or family support magistrate to the state or
46 the custodial party, as their interests may appear, to offset the cost of
47 any insurance payable under the HUSKY Plan, Part A or Part B, unless

48 the noncustodial parent is a low-income obligor, as defined in the child
49 support guidelines established pursuant to section 46b-215a. [In no
50 event may such order include payment to offset the cost of any such
51 premium if such payment would reduce the amount of current
52 support required under the child support guidelines.]

53 (B) Whenever an order of the Superior Court or family support
54 magistrate is issued against a parent to cover the cost of such medical
55 or dental insurance or benefit plan for a child who is eligible for
56 Medicaid benefits, and such parent has received payment from a third
57 party for the costs of such services but such parent has not used such
58 payment to reimburse, as appropriate, either the other parent or
59 guardian or the provider of such services, the Department of Social
60 Services shall have the authority to request the court or family support
61 magistrate to order the employer of such parent to withhold from the
62 wages, salary or other employment income of such parent to the extent
63 necessary to reimburse the Department of Social Services for
64 expenditures for such costs under the Medicaid program. [However,]
65 except that any claims for current or [past due] past-due child support
66 shall take priority over any such claims for the costs of such services.

67 Sec. 3. Subdivision (5) of subsection (a) of section 17b-745 of the
68 general statutes is repealed and the following is substituted in lieu
69 thereof (*Effective October 1, 2005*):

70 (5) (A) [Said] The court or family support magistrate shall also have
71 authority to make and enforce orders for the payment by any person
72 named herein of [unpaid support contributions] past-due support for
73 which any such person is liable in accordance with the provisions of
74 subsection (b) of section 17b-179, or section 17a-90, 17b-81, 17b-223,
75 46b-129 or 46b-130 or, in IV-D cases, to order such person, provided
76 such person is not incapacitated, to participate in work activities which
77 may include, but shall not be limited to, job search, training, work
78 experience and participation in the job training and retraining program
79 established by the Labor Commissioner pursuant to section 31-3t. The
80 father's liability for past-due support of a child born out of wedlock

81 shall be limited to the three years next preceding either the execution
82 of an acknowledgement of paternity in accordance with section 46b-
83 172, as amended by this act, or the filing of a paternity petition under
84 section 46b-160 or 46b-162, whichever applies. Each order in a IV-D
85 case for periodic payment of such past-due support shall provide,
86 except when the noncustodial parent is a low-income obligor, as
87 defined in the child support guidelines established pursuant to section
88 46b-215a, or for cause or pursuant to an agreement by the parties, that
89 upon termination of current child support payments the past-due
90 support payment shall equal: (i) Fifty per cent of the current child
91 support that was payable immediately prior to such termination, if any
92 payment is due to the custodial party; or (ii) twenty per cent of the
93 current child support that was payable immediately prior to such
94 termination, if payment is due only to the state.

95 (B) In the determination of child support due based on neglect or
96 refusal to furnish support prior to the action, the support due for
97 periods of time prior to the action shall be based upon the obligor's
98 ability to pay during such prior periods, as determined in accordance
99 with the child support [and arrearage] guidelines established pursuant
100 to section 46b-215a. The state shall disclose to the court any
101 information in its possession concerning current and past ability to
102 pay. If no information is available to the court concerning past ability
103 to pay, the court may determine the support due for periods of time
104 prior to the action as if past ability to pay is equal to current ability to
105 pay, if current ability is known. If current ability to pay is not known,
106 the court shall determine the past ability to pay based on the obligor's
107 work history if known, or if not known, on the state minimum wage
108 that was in effect during such periods, provided only actual earnings
109 shall be used to determine ability to pay for past periods during which
110 the obligor was a full-time high school student or was incarcerated,
111 institutionalized or incapacitated.

112 (C) Any finding of support due for periods of time prior to an action
113 in which the obligor failed to appear shall be entered subject to
114 adjustment. Such adjustment may be made upon motion of any party,

115 and the state in IV-D cases shall make such motion if it obtains
116 information that would have substantially affected the court's
117 determination of past ability to pay if such information had been
118 available to the court. Motion for adjustment under this subparagraph
119 may be made not later than twelve months from the date upon which
120 the obligor receives notification of (i) the amount of such finding of
121 support due for periods of time prior to the action, and (ii) the right
122 not later than twelve months from the date of receipt of such
123 notification to present evidence as to such obligor's past ability to pay
124 support for such periods of time prior to the action. A copy of any
125 support order entered, subject to adjustment, that is provided to each
126 party under subsection (c) of this section [.] shall state in plain
127 language the basis for the court's determination of past support, the
128 right to request an adjustment and to present information concerning
129 the obligor's past ability to pay, and the consequences of a failure to
130 request such adjustment.

131 Sec. 4. Subsection (f) of section 46b-84 of the general statutes is
132 repealed and the following is substituted in lieu thereof (*Effective from*
133 *passage*):

134 (f) After the granting of a decree annulling or dissolving the
135 marriage or ordering a legal separation, and upon complaint or motion
136 with order and summons made to the Superior Court by either parent
137 or by the Commissioner of Administrative Services in any case arising
138 under subsection (a) or (b) of this section, the court shall inquire into
139 the child's need of maintenance and the respective abilities of the
140 parents to supply maintenance. The court shall make and enforce the
141 decree for the maintenance of the child as it considers just, and may
142 direct security to be given therefor, including an order to either party
143 to contract with a third party for periodic payments or payments
144 contingent on a life to the other party. The court may order that a party
145 obtain life insurance as such security unless such party proves, by a
146 preponderance of the evidence, that such insurance is not available to
147 such party, such party is unable to pay the cost of such insurance or
148 such party is uninsurable. The court shall include in each support

149 order a provision for the health care coverage of the child which
150 provision may include an order for either parent to name any child
151 who is subject to the provisions of subsection (a) or (b) of this section
152 as a beneficiary of any medical or dental insurance or benefit plan
153 carried by such parent or available to such parent on a group basis
154 through an employer or a union. Any such employment-based order in
155 a IV-D support case shall be enforced using a National Medical
156 Support Notice as provided in section 46b-88. If such insurance
157 coverage is unavailable at reasonable cost, the provision for health care
158 coverage may include an order for either parent to apply for and
159 maintain coverage on behalf of the child under the HUSKY Plan, Part
160 B. The noncustodial parent shall be ordered to apply for the HUSKY
161 Plan, Part B only if such parent is found to have sufficient ability to
162 pay the appropriate premium. In any IV-D support case in which the
163 noncustodial parent is found to have insufficient ability to provide
164 medical insurance coverage and the custodial party is the HUSKY
165 Plan, Part A or Part B applicant, the provision for health care coverage
166 may include an order for the noncustodial parent to pay such amount
167 as is specified by the court or family support magistrate to the state or
168 the custodial party, as their interests may appear, to offset the cost of
169 any insurance payable under the HUSKY Plan, Part A or Part B, unless
170 the noncustodial parent is a low-income obligor, as defined in the child
171 support guidelines established pursuant to section 46b-215a. [In no
172 event may such order include payment to offset the cost of any such
173 premium if such payment would reduce the amount of current
174 support required under the child support guidelines.]

175 Sec. 5. Subsection (g) of section 46b-84 of the general statutes is
176 repealed and the following is substituted in lieu thereof (*Effective*
177 *October 1, 2005*):

178 (g) Whenever an obligor is before the court in proceedings to
179 establish, modify or enforce a support order, and such order is not
180 secured by an income withholding order, the court may require the
181 obligor to execute a bond or post other security sufficient to perform
182 such order for support, provided the court finds that such a bond is

183 available for purchase within the financial means of the obligor. Upon
184 failure of such obligor to comply with such support order, the court
185 may order the bond or the security forfeited and the proceeds thereof
186 paid to the state in TANF cases or to the obligee in non-TANF cases. In
187 any IV-D case in which the obligor is found by the court to owe past-
188 due support, the court may issue an order for the periodic payment of
189 such support or, if such obligor is not incapacitated, order such obligor
190 to participate in work activities which may include, but shall not be
191 limited to, job search, training, work experience and participation in
192 the job training and retraining program established by the Labor
193 Commissioner pursuant to section 31-3t. Each order in a IV-D case for
194 periodic payment of any past-due support shall provide, except when
195 the noncustodial parent is a low-income obligor, as defined in the child
196 support guidelines established pursuant to section 46b-215a, or for
197 cause or pursuant to an agreement by the parties, that upon
198 termination of the current child support or maintenance payments, the
199 past-due support payment shall equal: (1) Fifty per cent of the current
200 child support that was payable immediately prior to such termination,
201 if any payment is due to the custodial party; or (2) twenty per cent of
202 the current child support that was payable immediately prior to such
203 termination, if payment is due only to the state.

204 Sec. 6. Subdivision (2) of subsection (a) of section 46b-171 of the
205 general statutes is repealed and the following is substituted in lieu
206 thereof (*Effective from passage*):

207 (2) In addition, the court or family support magistrate shall include
208 in each support order in a IV-D support case a provision for the health
209 care coverage of the child which provision may include an order for
210 either parent to name any child as a beneficiary of any medical or
211 dental insurance or benefit plan carried by such parent or available to
212 such parent on a group basis through an employer or union. Any such
213 employment-based order shall be enforced using a National Medical
214 Support Notice as provided in section 46b-88. If such insurance
215 coverage is unavailable at reasonable cost, the provision for health care
216 coverage may include an order for either parent to apply for and

217 maintain coverage on behalf of the child under the HUSKY Plan, Part
218 B. The noncustodial parent shall be ordered to apply for the HUSKY
219 Plan, Part B only if such parent is found to have sufficient ability to
220 pay the appropriate premium. In any IV-D support case in which the
221 noncustodial parent is found to have insufficient ability to provide
222 medical insurance coverage and the custodial party is the HUSKY
223 Plan, Part A or Part B applicant, the provision for health care coverage
224 may include an order for the noncustodial parent to pay such amount
225 as is specified by the court or family support magistrate to the state or
226 the custodial party, as their interests may appear, to offset the cost of
227 any insurance payable under the HUSKY Plan, Part A or Part B, unless
228 the noncustodial parent is a low-income obligor, as defined in the child
229 support guidelines established pursuant to section 46b-215a. [In no
230 event may such order include payment to offset the cost of any such
231 premium if such payment would reduce the amount of current
232 support required under the child support guidelines.]

233 Sec. 7. Subdivision (3) of subsection (a) of section 46b-171 of the
234 general statutes is repealed and the following is substituted in lieu
235 thereof (*Effective October 1, 2005*):

236 (3) The court or family support magistrate shall also have authority
237 to make and enforce orders for the payment by any person named
238 herein of [unpaid support contributions] past-due support for which
239 the defendant is liable in accordance with the provisions of section
240 17b-81, 17b-223, subsection (b) of section 17b-179, section 17a-90, 46b-
241 129 or 46b-130 and, in IV-D cases, to order such person, provided such
242 person is not incapacitated, to participate in work activities which may
243 include, but shall not be limited to, job search, training, work
244 experience and participation in the job training and retraining program
245 established by the Labor Commissioner pursuant to section 31-3t. The
246 defendant's liability for past-due support under this subdivision shall
247 be limited to the three years next preceding the filing of the petition.
248 Each order in a IV-D case for periodic payment of such past-due
249 support shall provide, except when the noncustodial parent is a low-
250 income obligor, as defined in the child support guidelines established

251 pursuant to section 46b-215a, or for cause or pursuant to an agreement
252 by the parties, that upon termination of the current child support or
253 maintenance payments, the past-due support payment shall equal: (A)
254 Fifty per cent of the current child support that was payable
255 immediately prior to such termination, if any payment is due to the
256 custodial party; or (B) twenty per cent of the current child support that
257 was payable immediately prior to such termination, if payment is due
258 only to the state.

259 Sec. 8. Subsections (b) and (c) of section 46b-172 of the general
260 statutes are repealed and the following is substituted in lieu thereof
261 (*Effective October 1, 2005*):

262 (b) (1) An agreement to support the child by payment of a periodic
263 sum until the child attains the age of eighteen years or as otherwise
264 provided in this subsection, together with provisions for
265 reimbursement for [past due] past-due support based upon ability to
266 pay in accordance with the provisions of subsection (b) of section 17b-
267 179, or section 17a-90, 17b-81, 17b-223, 46b-129 or 46b-130, and
268 reasonable expense of prosecution of the petition, when filed with and
269 approved by a judge of the Superior Court, or in IV-D support cases
270 and matters brought under sections 46b-212 to 46b-213v, inclusive, a
271 family support magistrate at any time, shall have the same force and
272 effect, retroactively or prospectively in accordance with the terms of
273 said agreement, as an order of support entered by the court, and shall
274 be enforceable and subject to modification in the same manner as is
275 provided by law for orders of the court in such cases. If such child is
276 unmarried, a full-time high school student and residing with the
277 custodial parent, such support shall continue according to the parents'
278 respective abilities, if such child is in need of support, until such child
279 completes the twelfth grade or attains the age of nineteen, whichever
280 first occurs.

281 (2) [Past due] Past-due support in such cases shall be limited to the
282 three years next preceding the date of the [filing of such agreements to
283 support] execution of the acknowledgment of paternity. Each order in

284 a IV-D case for periodic payment of such past-due support shall
285 provide, except when the noncustodial parent is a low-income obligor,
286 as defined in the child support guidelines established pursuant to
287 section 46b-215a, or for cause or pursuant to an agreement by the
288 parties, that upon termination of current child support payments, the
289 past-due support payment shall equal: (A) Fifty per cent of the current
290 child support that was payable immediately prior to such termination,
291 if any payment is due to the custodial party; or (B) twenty per cent of
292 the current child support that was payable immediately prior to such
293 termination, if payment is due only to the state.

294 (3) Payments under such agreement shall be made to the petitioner,
295 except that in IV-D support cases, as defined in subsection (b) of
296 section 46b-231, payments shall be made to the Bureau of Child
297 Support Enforcement or its designated agency.

298 (4) Such written agreements to support shall be on forms prescribed
299 by the Office of the Chief Court Administrator and shall be sworn to,
300 and shall be binding on the person executing the same whether he is
301 an adult or a minor.

302 (c) (1) At any time after the signing of any acknowledgment of
303 paternity, upon the application of any interested party, the court or
304 any judge thereof or any family support magistrate in IV-D support
305 cases and in matters brought under sections 46b-212 to 46b-213v,
306 inclusive, shall cause a summons, signed by such judge or family
307 support magistrate, by the clerk of the court or by a commissioner of
308 the Superior Court, to be issued, requiring the acknowledged father to
309 appear in court at a time and place as determined by the clerk but not
310 more than ninety days after the issuance of the summons, to show
311 cause why the court or the family support magistrate assigned to the
312 judicial district in IV-D support cases should not enter judgment for
313 support of the child by payment of a periodic sum until the child
314 attains the age of eighteen years or as otherwise provided in this
315 subsection, together with provision for reimbursement for [past due]
316 past-due support based upon ability to pay in accordance with the

317 provisions of subsection (b) of section 17b-179, or section 17a-90, 17b-
318 81, 17b-223, 46b-129 or 46b-130, a provision for health coverage of the
319 child as required by section 46b-215, as amended by this act, and
320 reasonable expense of the action under this subsection. If such child is
321 unmarried, a full-time high school student and residing with the
322 custodial parent, such support shall continue according to the parents'
323 respective abilities, if such child is in need of support, until such child
324 completes the twelfth grade or attains the age of nineteen, whichever
325 first occurs.

326 (2) Past-due support in such cases shall be limited to the three years
327 next preceding the date of the execution of the acknowledgment of
328 paternity. Each order in a IV-D case for periodic payment of such past-
329 due support shall provide, except when the noncustodial parent is a
330 low-income obligor, as defined in the child support guidelines
331 established pursuant to section 46b-215a, or for cause or pursuant to an
332 agreement by the parties, that upon termination of current child
333 support payments, the past-due support payment shall equal: (A) Fifty
334 per cent of the current child support that was payable immediately
335 prior to such termination, if any payment is due to the custodial party;
336 or (B) twenty per cent of the current child support that was payable
337 immediately prior to such termination, if payment is due only to the
338 state.

339 (3) Such court or family support magistrate, in IV-D support cases,
340 shall also have the authority to order the acknowledged father who is
341 subject to a plan for reimbursement of past-due support and is not
342 incapacitated, to participate in work activities which may include, but
343 shall not be limited to, job search, training, work experience and
344 participation in the job training and retraining program established by
345 the Labor Commissioner pursuant to section 31-3t.

346 (4) The application, summons and order shall be on forms
347 prescribed by the Office of the Chief Court Administrator. Proceedings
348 to obtain such orders of support shall be commenced by the service of
349 such summons on the acknowledged father. A state marshal or proper

350 officer shall make due return of process to the court not less than
351 twenty-one days before the date assigned for hearing.

352 (5) The prior judgment as to paternity shall be res judicata as to that
353 issue for all paternity acknowledgments filed with the court on or after
354 March 1, 1981, but before July 1, 1997, and shall not be reconsidered by
355 the court unless the person seeking review of the acknowledgment
356 petitions the superior court for the judicial district having venue for a
357 hearing on the issue of paternity within three years of such judgment.
358 In addition to such review, if the acknowledgment of paternity was
359 filed prior to March 1, 1981, the acknowledgment of paternity may be
360 reviewed by denying the allegation of paternity in response to the
361 initial petition for support, whenever it is filed.

362 (6) All [such] payments under this subsection shall be made to the
363 petitioner, except that in IV-D support cases, as defined in subsection
364 (b) of section 46b-231, payments shall be made to the state, acting by
365 and through the IV-D agency.

366 Sec. 9. Subdivision (2) of subsection (a) of section 46b-215 of the
367 general statutes is repealed and the following is substituted in lieu
368 thereof (*Effective from passage*):

369 (2) Any such support order in a IV-D support case shall include a
370 provision for the health care coverage of the child which provision
371 may include an order for either parent to name any child as a
372 beneficiary of any medical or dental insurance or benefit plan carried
373 by such parent or available to such parent on a group basis through an
374 employer or a union. Any such employment-based order shall be
375 enforced using a National Medical Support Notice as provided in
376 section 46b-88. If such insurance coverage is unavailable at reasonable
377 cost, the provision for health care coverage may include an order for
378 either parent to apply for and maintain coverage on behalf of the child
379 under the HUSKY Plan, Part B. The noncustodial parent shall be
380 ordered to apply for the HUSKY Plan, Part B only if such parent is
381 found to have sufficient ability to pay the appropriate premium. In any
382 IV-D support case in which the noncustodial parent is found to have

383 insufficient ability to provide medical insurance coverage and the
384 custodial party is the HUSKY Plan, Part A or Part B applicant, the
385 provision for health care coverage may include an order for the
386 noncustodial parent to pay such amount as is specified by the court or
387 family support magistrate to the state or the custodial party, as their
388 interests may appear, to offset the cost of any insurance payable under
389 the HUSKY Plan, Part A or Part B, unless the noncustodial parent is a
390 low-income obligor, as defined in the child support guidelines
391 established pursuant to section 46b-215a. [In no event may such order
392 include payment to offset the cost of any such premium if such
393 payment would reduce the amount of current support required under
394 the child support guidelines.]

395 Sec. 10. Subdivision (7) of subsection (a) of section 46b-215 of the
396 general statutes is repealed and the following is substituted in lieu
397 thereof (*Effective October 1, 2005*):

398 (7) (A) [Said] The court or family support magistrate shall also have
399 authority to determine, order and enforce payment of any support due
400 because of neglect or refusal to furnish support prior to the action. In
401 the case of a child born out of wedlock whose parents have not
402 intermarried, the father's liability for such support shall be limited to
403 the three years next preceding either the execution of an
404 acknowledgment of paternity in accordance with section 46b-172, as
405 amended by this act, or the filing of a paternity petition under section
406 46b-160 or 46b-162, whichever applies. Each order in a IV-D case for
407 periodic payment of support due for periods of time prior to the action
408 shall provide, except when the noncustodial parent is a low-income
409 obligor, as defined in the child support guidelines established
410 pursuant to section 46b-215a, or for cause or pursuant to an agreement
411 by the parties, that upon termination of current child support
412 payments, the past-due support payment shall equal: (i) Fifty per cent
413 of the current child support that was payable immediately prior to
414 such termination, if any payment is due to the custodial party; or (ii)
415 twenty per cent of the current child support that was payable
416 immediately prior to such termination, if payment is due only to the

417 state.

418 (B) In the determination of support due based on neglect or refusal
419 to furnish support prior to the action, the support due for periods of
420 time prior to the action shall be based upon the obligor's ability to pay
421 during such prior periods, as determined in accordance with the child
422 support and arrearage guidelines established under section 46b-215a.
423 The state shall disclose to the court any information in its possession
424 concerning current and past ability to pay. If no information is
425 available to the court concerning past ability to pay, the court may
426 determine the support due for periods of time prior to the action as if
427 past ability to pay is equal to current ability to pay, if current ability is
428 known. If current ability to pay is not known, the court shall determine
429 the past ability to pay based on the obligor's work history, if known, or
430 if not known, on the state minimum wage that was in effect during
431 such periods, provided only actual earnings shall be used to determine
432 ability to pay for past periods during which the obligor was a full-time
433 high school student or was incarcerated, institutionalized or
434 incapacitated.

435 (C) Any finding of support due for periods of time prior to an action
436 in which the obligor failed to appear shall be entered subject to
437 adjustment. Such adjustment may be made upon motion of any party,
438 and the state in IV-D cases shall make such motion if it obtains
439 information that would have substantially affected the court's
440 determination of past ability to pay if such information had been
441 available to the court. Motion for adjustment under this subparagraph
442 may be made not later than twelve months date from the date upon
443 which the obligor receives notification of (i) the amount of such
444 finding of support due for periods of time prior to the action, and (ii)
445 the right not later than twelve months from the date of receipt of such
446 notification to present evidence as to such obligor's past ability to pay
447 support for such periods of time prior to the action. A copy of any
448 support order entered, subject to adjustment, shall state in plain
449 language the basis for the court's determination of past support, the
450 right to request an adjustment and to present information concerning

451 the obligor's past ability to pay, and the consequences of a failure to
452 request such adjustment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17b-179(j)
Sec. 2	<i>from passage</i>	17b-745(a)(2)
Sec. 3	<i>October 1, 2005</i>	17b-745(a)(5)
Sec. 4	<i>from passage</i>	46b-84(f)
Sec. 5	<i>October 1, 2005</i>	46b-84(g)
Sec. 6	<i>from passage</i>	46b-171(a)(2)
Sec. 7	<i>October 1, 2005</i>	46b-171(a)(3)
Sec. 8	<i>October 1, 2005</i>	46b-172(b) and (c)
Sec. 9	<i>from passage</i>	46b-215(a)(2)
Sec. 10	<i>October 1, 2005</i>	46b-215(a)(7)

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect
Department of Social Services	GF - See Below

Municipal Impact: None

Explanation

This bill makes a variety of changes to the child support statutes, including allowing the Department of Social Services (DSS) to establish bank accounts for child support recipients and to directly deposit funds it collects on their behalf. This change will allow DSS to expand its electronic transfers of funds, thereby reducing postage and handling costs. The extent of these savings will be dependent upon the number of accounts and direct deposits that replace current mailings. As the language is permissive, the potential savings are not known.

The bill also changes the policy for arrearage payments when current support obligations end. It sets the payment at 20% of the current support obligation when funds are owed to the state. This change could increase arrearage collections that are owed to the state.

OLR Bill Analysis

SB 1327

AN ACT CONCERNING CHANGES TO CHILD SUPPORT STATUTES**SUMMARY:**

This bill allows the Department of Social Services (DSS) to establish bank debit accounts for child support recipients and to directly deposit money it collects on their behalf into them. It also (1) permits the department to hold more noncustodial parents responsible for HUSKY premiums, (2) establishes a uniform lookback period for past-due child support in paternity cases, and (3) automatically accelerates the repayment schedule for most noncustodial parents when they are no longer required to pay current support.

EFFECTIVE DATE: Upon passage, except for the provisions concerning past-due support and arrearage payments, which are effective October 1, 2005.

DEBIT ACCOUNTS (§ 1)

Under the bill, DSS can open a debit account for a child support client in a bank of its choosing and electronically transfer the child support funds it collects on her behalf into it. It cannot open an account for clients who establish or designate another account into which the agency can electronically deposit their support funds.

The accounts DSS opens can accept only its child support deposits and be accessed only using a debit card. Clients can use the cards at participating stores and for cash withdrawals from ATMs. The client must pay any debit card fees.

HUSKY PREMIUMS OFFSETS (§§ 2, 4, 6 AND 9)

By law, courts can order noncustodial parents to pay a designated amount to the custodial parent or the state to offset some or all of the costs of paying HUSKY A or B health insurance premiums for their children. Currently, support orders cannot include these offsets if doing so would reduce the weekly child support obligations under the

Child Support and Arrearage Guidelines because the payments are deducted from net weekly income. The bill eliminates this restriction for obligors whose support obligations are set as a flat percentage of both parents' net weekly incomes. It retains the restriction for low-income obligors, whose support obligations are set without taking into account the other parent's net earnings.

LOOKBACK PERIOD FOR PAST-DUE SUPPORT (§§ 3, 7, 8, AND 10)

By law, parents whose support obligations are established through court paternity proceedings can be ordered to pay support for the three-year period prior to the date the child's mother filed the paternity petition. In cases in which the noncustodial parent voluntarily acknowledges paternity, the three-year period currently begins to run on the date he files a support agreement in court. The bill makes the period run, instead, from the date he legally acknowledges paternity.

AUTOMATIC INCREASES IN ARREARAGE AND PAST-DUE SUPPORT PAYMENTS (§§ 3, 5, 7, 8, AND 10)

The bill increases the amount noncustodial parents must pay for child support arrearages and past-due support when they are no longer liable for current support (in most cases, when the child reaches age 18). Unless a court orders otherwise, these payments currently remain at the same level that the court set in combination with current support payments (typically 20% of the current support obligation). The bill automatically increases this amount to 50% of the last current support payment if the custodial parent is still owed support, and 20% if money is owed to the state only.

Low-income obligors are exempt as are other obligors the court finds good cause to excuse.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 40 Nay 0